Summary of Comments

B-2025-011

2044 Forest Valley Dr

COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER:	**B-2025-011**
ASSOCIATED FILE:	**N/A**
MEETING DATE:	**October 15, 2026**
TO:	**Sarah Burton Hopkins, Secretary Treasurer Committee of Adjustment**
FROM:	**Ingrid Li Development Planner**
SUBJECT:	**Consent to establish a permanent stormwater drainage easement over a portion of the subject lands, being 2044 Forest Valley Drive, in favour of the lands municipally known as 2027 Commerce Park Drive**

PROPERTY INFORMATION:

Municipal Address	2044 Forest Valley Dr
Legal Description	PLAN M614 LOT 16
Official Plan	Estate Residential Area (Schedule B)
Zoning By-law	Residential Estate Exception 1 (RE-1) and Environmental Protection Exception 9 (EP-9)

RECOMMENDATION:

The Planning Department recommends approval of application B-2025-011 subject to the following conditions:

CONDITION(S):

1. **That the Owner/Applicant retain an Ontario Land Surveyor to prepare and submit a digital copy of a reference plan of survey, to be reviewed and approved by the Town. Once approved, the survey is to be deposited on title at the Land Registry Office.**

2. **That the easement agreement must be registered against the titles for both properties (2044 Forest Valley Drive and 2027 Commerce Park Drive).**

Note:

1. **This approval only applies to the proposed easement to the south side of the subject lands municipally known as 2044 Forest Valley Drive, per Easement Plan (EM-1). That future easement shown within the 2027 Commerce Park Drive is subject to a separate consent application.**

REASON FOR APPLICATION:

The applicant is proposing to create a permanent stormwater drainage easement over a portion of the subject lands to facilitate the conveyance of stormwater originating from the adjacent lands municipally known as 2027 Commerce Park Drive. The easement is in favour of 2027 Commerce Park Drive**,** and will permit the installation, maintenance and use of stormwater drainage infrastructure and associated access to discharge stormwater to the natural watercourse. Please note that the proposed easement is also subject to a concurrent site plan control process SP-2024-002. A registered blanket easement or an easement approved by the Committee of Adjustment must be in place prior to finalization of the Site Plan Agreement.

SURROUNDING LANDS:

North	Developed commercial lots zoned CBP, Commerce Park Drive
East	Innisfil Height, Developed commercial lots zoned CBP, Commerce Park Drive
South	Residential Lots zoned RE-1, Forest Valley Dr
West	Residential Lots zoned RE-1, Forest Valley Dr

ANALYSIS:

Site Inspection Date	October 7, 2026
Consistent with the Provincial Planning Statement (PPS): **☒Yes** **☐No**	The subject lands are located outside of a settlement area and considered Rural Lands by the Provincial Planning Statement, 2024 (PPS). With respect to the proposed easement, the PPS provides direction regarding stormwater management specifically Section 3.6.8 requires stormwater management planning shall minimize or, where possible, prevent increases in stormwater volumes and contaminant loads, minimize erosion and changes in water balance, and mitigate risks to human health, safety, property and the environment. The proposed permanent drainage easement will facilitate the installation, maintenance and use of stormwater drainage infrastructure to convey stormwater from the adjacent lands to the natural watercourse through the site plan process, which would assist in meeting these policies. Section 4.1 of the PPS includes policies that apply to natural heritage features. Development and site alteration is not permitted within natural heritage features or within adjacent lands to natural heritage features unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions per 4.1.4 and 4.1.8 of the PPS. The woodlands are identified as significant on Appendix A of the Town Official Plan. The policies of Section 4.1 of the PPS are therefore applicable. No negative impacts to the woodland are anticipated as the proposed easement is located approximately 190m from the woodlands. Section 5.2 of the PPS includes policies that apply to natural hazard lands and the Lake Simcoe Conservation Authority (LSRCA) have reviewed the application and advised that the proposal is generally consistent with the policies of Section 5.2 of the PPS.

	Staff are of the opinion that the proposal is consistent with the PPS, subject to the recommended conditions.
Consistent with the Lake Simcoe Protection Plan (LSPP): **☒Yes** **☐No**	The subject lands are located outside of a settlement area and portion of the lands are subject to policies of the Lake Simcoe Protection Plan (LSPP). LSRCA have reviewed the application regarding natural heritage identified in Section 6 of the LSPP and noted that LSRCA will not be reviewing natural heritage due to the provincial legislation changes. However, the applicable LSPP policies must still be considered in assessing the proposal. The subject lands fall within a "settlement area" as defined by the LSPP. The application has therefore been reviewed under 6.32 to 6.34. The proposed system would manage existing uncontrolled runoff and accommodate additional runoff from the development. Staff are of the opinion that the proposal supports the objective of Policy 6.33.c of the Lake Simcoe Protection Plan, which seeks to avoid, minimize and/or mitigate impacts associated with the quality and quantity of urban runoff into receiving streams, lakes and wetlands. Section 6.34 states that where, through an application for development or site alteration, a buffer is required to be established as a result of the application of the PPS, the buffer shall be composed of and maintained as natural self-sustaining vegetation. As the proposal is to establish an easement to provide a sufficient outlet for the stormwater system, Staff consider the proposal to be low risk and a buffer is not required. As such, Staff are of the opinion that the proposal is consistent with the LSPP, subject to the recommended conditions.
Conforms to the County of Simcoe Official Plan: **☒Yes** **☐No**	The subject lands are designated 'Rural' on Schedule 5.1 of the Simcoe County Official Plan (SCOP). Section 3.3.5 of the SCOP, which applies to all land use designations, states that consents for "legal or technical reasons" and consolidation of land holdings may be permitted but shall not be for the purpose of creating new lots except as otherwise permitted in the SCOP, Provincial policies or legislation. "Legal or technical reasons" means severances for purposes such as easements, corrections of deeds, quit claims, and other minor boundary adjustments, which do not result in the creation of a new lot. The proposal will not result in a new lot being created. Section 3.3.19 provide policy direction that "local municipalities are encouraged to establish stormwater management policies relating to development associated with new plans of subdivision and condominium and other large scale development in order to protect, improve or restore the quality and quantity of water resources and related natural heritage systems". As noted, the proposed easement is subject to a concurrent site plan control process, through which conformity with the applicable SCOP policies would be addressed. The County has been provided notice of the subject consent application, in accordance with the requirements of the Planning Act, and have no objections. Staff are therefore of the opinion that

	the proposal conforms with the SCOP, subject to the recommended conditions.
Conforms to the Town of Innisfil Official Plan: **☒Yes** **☐No**	The subject lands are designated Estate Residential Area on Schedule B, Hydrogeological ESA (Appendix 6) to the Town Official Plan and a portion of the lands are within the Natural Heritage System Overlay. Section 17.1 applies to the Natural Heritage System overlay. New development, must demonstrate through a Natural Heritage Evaluation (NHE) that there are no negative impacts on key natural heritage features or key hydrologic features or their functions, connectivity between natural heritage features is maintained and enhanced, removal of natural heritage features is avoided, and at least 30% of the total developable area will remain or be returned to natural self-sustaining vegetation. The proposed easement is not considered new development by definition as it does not result in a new lot being created or a change in land use. In addition, the proposed easement is not within the Natural Heritage System Overlay area. Therefore, an NHE is not required and no negative impacts to the natural heritage system or natural heritage features are anticipated. Section 16.2 of the Town Official Plan provides direction regarding drainage and stormwater management, including reducing future flooding risks, managing stormwater runoff to minimize changes from pre-development conditions as close to the source as possible, protecting water quality and quantity, minimizing changes to the water balance, promoting water conservation, and the use of Low Impact Development (LID) principles. The subject lands are not within a Significant Groundwater Recharge Area (SGRA) overlay but are above a Highly Vulnerable Aquifer (HVA). The proposed easement is subject to Engineering requirements imposed through the concurrent site plan control process. During the pre-con stage, Engineering advised the applicant that in the case where the discharge is directed over private land, the developer must obtain a legal right of discharge registered on title. Copies of all written documentation such as a legal right of discharge registered on title and/or written permissions from the Town must accompany the design submission. Studies including the assessment of potential development impacts on the HVA and the detailed SWM, Hydro G, and LID analysis have been submitted and reviewed to ensure the proposal meets the applicable policies of Section 16.2 of the Town Official Plan. The submitted Easement Plan is acceptable to the Town's Engineering Department. Staff are of the opinion that the proposal conforms with the Town of Innisfil Official Plan, subject to the recommend conditions
Complies with the Zoning Bylaw 080-13: **☒Yes** **☐No**	The subject lands are zoned Residential Estate Exception 1(RE-1) and Environmental Protection Exception 9 (EP-9). There is nothing in the ZBL that would restrict the proposed stormwater drainage easement on the subject lands subject to the review and support by LSRCA and Town Staff, as a necessary easement for stormwater

	outflow. .Staff are of the opinion that the proposal complies with the Zoning By-law subject to the recommended conditions.
Conforms to Section 2, 51(24) and 53(12) of the *Planning Act*: **☒Yes** **☐No**	Staff have reviewed the proposal against Sections 2, 51(24) and 53(12) of the Planning Act and are of the opinion that the application conforms to these Sections subject to the recommended conditions.

CONCLUSION:

The Planning Department recommends approval of application B-2025-011 subject to the recommend conditions.

PREPARED BY:

Ingrid Li
Development Planner

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Planning

Innisfil

Building Department

MEMORANDUM TO FILE

DATE: October 8, 2026

FROM/CONTACT: Jocelyn Penfold

FILE/APPLICATION: B-2025-011

SUBJECT: 2044 Forest Valley Dr.

Comments to applicant/owner for information purposes (Comments help provide additional information regarding the development of the subject lands to the applicant. Comments are not conditions of approval):

1. Please note that additional information (such as, but not limited to, septic review, limiting distance calculations or engineered documents, etc.) may be requested at building permit stage in order to review for compliance against the Ontario Building Code.

2. When applying for building permit for a new dwelling, please provide a lot grading plan designed by a Professional Engineer or an Ontario Land Surveyor to the satisfaction of the Building Department.

Condition of Approval (Conditions of Approval are specific enforceable conditions regarding the subject lands should the Committee of Adjustment approve the application.

Engineering

MEMORANDUM TO FILE

DATE: October 15, 2026

FROM/CONTACT: Adil Khan ex 3244 akhan@innisfil.ca

FILE/APPLICATION: B-011-2025

SUBJECT: 2044 Forest Valley Drive

Comments to applicant/owner for information purposes (Comments help provide additional information regarding the development of the subject lands to the applicant. Comments are not conditions of approval):

1. A registered blanket easement must be in place prior to finalization of the Site Plan Agreement.
2. As part of the 2027 Commerce Site Plan Agreement process, please submit engineering design drawings and all other supporting documents in accordance with Town Standards and to the satisfaction of the Town.

Condition of Approval (Conditions of Approval are specific enforceable conditions regarding the subject lands should the Committee of Adjustment approve the application. For example: The applicant/owner shall apply for a building permit for the construction of a new dwelling to the satisfaction of Community Development Standards Branch)

1. No comments.

Sent via e-mail: sburtonhopkins@innisfil.ca

October 8, 2026

Municipal File No.: B-2025-011
LSRCA File No.: VA-102553-092926

Sarah Burton Hopkins
Secretary Treasurer, Committee of Adjustment
2101 Innisfil Beach Road
Town of Innisfil, L9S 1A1

Dear Sarah,

Re: Application for an Easement
2044 Forest Vally Drive
Town of Innisfil
Owner: Robert & Tiffany Kilner
Applicant: Robert Galloway

Thank you for circulating the above-captioned application to the Lake Simcoe Region Conservation Authority (LSRCA) for review and comment. It is our understanding that the Applicant/Owner is proposing the construction of a permanent stormwater drainage easement over a portion of the subject lands.

Documents Received and Reviewed by Staff

Staff have received and reviewed the following documents submitted with this application:

- Application package (dated October 9, 2025)
- Easement Agreement (dated February 3, 2025)
- Notice of Public Hearing (dated September 30, 2026)
- Channel Plan & Profile Section Views prepared by Gerrits Engineering (n.d.)
- Easement Plan prepared by Gerrits Engineering (dated August 28, 2026)

Staff have reviewed this application as per our delegated responsibility from the Province of Ontario to represent provincial interests regarding natural hazards identified in Section 5.2 of the Provincial Planning Statement (PPS, 2024) and as a regulatory authority under Ontario Regulation 41/24 of the *Conservation Authorities Act.* LSRCA has also provided comments as per our Memorandum of Understanding (MOU) with the Town of Innisfil. The application has also been reviewed through our role as a public body under the *Planning Act* as per our CA Board approved policies. Finally, LSRCA has provided advisory comments related to policy applicability and to assist with implementation of the South Georgian Bay Lake Simcoe Source Protection Plan under the *Clean Water Act*.

Recommendation

Based on our review of the submitted information in support of the application, the proposal is consistent and in conformity with the natural hazard policies of the applicable Provincial, Regional and Local plans. On this basis, we have no objection to the approval of this application for an easement. It is recommended that any approval of this application be subject to the following conditions:

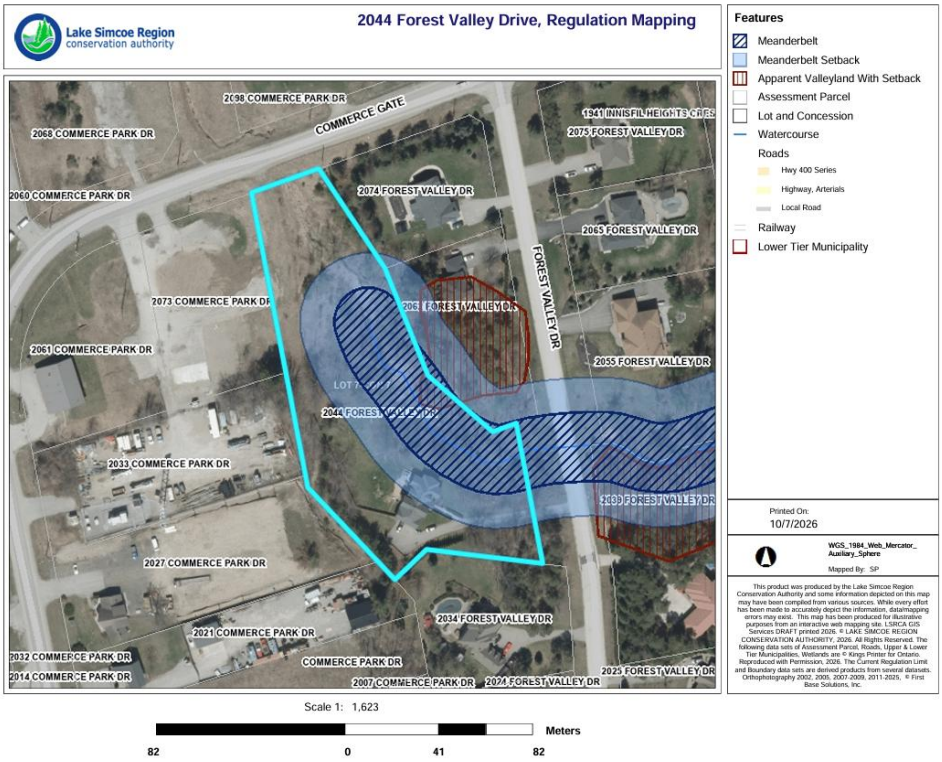
- That the Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for an easement (Minor Consent – planner review only) is $630;
- That the Applicant/Owner successfully obtain a permit from the LSRCA.

Site Characteristics

The subject land is approximately 11,080 square metres in land area and is located west of Forest Valley Drive and south of Commerce Gate within the Town of Innisfil.

Existing mapping indicates the following:

- The subject land is within the 'Residential Estate One Zone' (RE-1) and 'Environmental Protection exception 9 Zone' (EP*9) as per the Town of Innisfil's online interactive mapping tool.
- The subject property is partially regulated by the LSRCA under Ontario Regulation 41/24 for Watercourse and associated erosion and valley land hazards. Please see a detailed regulatory map below.
- The subject property is located within a completed watershed or sub-watershed study area – Lovers Creek Subwatershed Plan.



Please note: LSRCA staff have not attended any site meetings at this location related to the subject applications.

Delegated Responsibility and Statutory Comments

1. LSRCA has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 5.2 of the Provincial Planning Statement (PPS). There are identified natural hazards on the subject lands (erosion hazard and valley land area). Based on the information submitted as part of this application, the proposal is generally consistent with 5.2 of the PPS.

2. LSRCA has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 41/24. This regulation, made under Section 28 of the *Conservation Authorities Act*, enables conservation authorities to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Development taking place on these lands may require permission from the conservation authority to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. LSRCA also regulates the alteration to or interference in any way with a watercourse or wetland.

3. LSRCA has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural heritage identified in Section 6 of the Lake Simcoe Protection Plan (LSPP). The LSRCA's review has been modified due to Bill 23, More Homes Built Faster Act, having received Royal Assent from the Province, and the associated Regulations issued on December 28th, 2022. This impacts our review by way of Planning Act applications, as the LSRCA is no longer able to comment on behalf of municipalities for Natural Heritage review within Oak Ridges Moraine, Greenbelt and Settlement Areas established prior to 2009. We note the subject lands are located within at least one these areas, therefore LSRCA will not be reviewing Natural Heritage as it relates to the LSPP.

   Ontario Regulation 41/24 applies to a portion of the subject property. It appears that the proposed development will be within the regulated area, therefore a permit from the LSRCA will be required prior to any development or site alteration taking place.

   LSRCA staff note that there does not appear to be previous planning approvals issued by the LSRCA for the subject lands.

   LSRCA staff note that the Applicant/Owner has obtained two permits from the LSRCA regarding the previously proposed replacement of an existing septic system and the construction of a deck submitted as part of previous applications (LSRCA file no. RPRO100882 & RPRO100811).

Advisory Comments

1. LSRCA has reviewed the application through our responsibilities as a service provider to the Town of Innisfil in that we provide through a MOU as well as through our role as a public body, pursuant to the *Planning Act*.

Summary

Based on our review of the submitted information in support of this application, the proposal is consistent and in conformity with the natural hazard policies of the applicable Provincial, Regional and Local plans. On this basis, we have no objection to the approval of this application for an easement.

Given the above comments, it is the opinion of the LSRCA that:

1. Consistency with Section 5.2 of the PPS has been demonstrated;
2. Ontario Regulation 41/24 does apply to the subject site. A permit from the LSRCA will be required prior to any development or site alteration taking place within the LSRCA's regulated area;
3. Matters pertaining to stormwater management and hydrogeology may be addressed through subsequent detailed design submissions.

Please inform this office of any decision made by the Town of Innisfil with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed.

Should you have any questions, please contact the undersigned (s.payne@lsrca.on.ca).

Sincerely,



Steven Payne
Planner I
Lake Simcoe Region Conservation Authority (LSRCA)